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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,917	02/08/2002	Hideyuki Nagaishi	NITT.0060	8672

7590 06/18/2003

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EXAMINER

GLENN, KIMBERLY E

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/067,917

Applicant(s)

NAGAISHI ET AL.

Examiner

Kimberly E Glenn

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on \_\_\_\_.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 10-12 is/are allowed.

6) Claim(s) 1 and 3-9 is/are rejected.

7) Claim(s) 2 is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5- 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "second layers" in line 7 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the microstrip line" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said grounding metallic layers" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitations "said plurality of other dielectric substrates, said both sided two layer dielectric substrate, said support plate" in lines 2, 4,7 and 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 discloses a metal plate in line 8 of the claim, and then further discloses a metal plate in line 9. Is this the same metal plate or a different metal plate?

Claim 9 also discloses a hard organic substrate in line 10 of the claim, and then further discloses a hard organic substrate in lines 11 and 12. Is this the same hard organic substrate or a different organic substrate?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

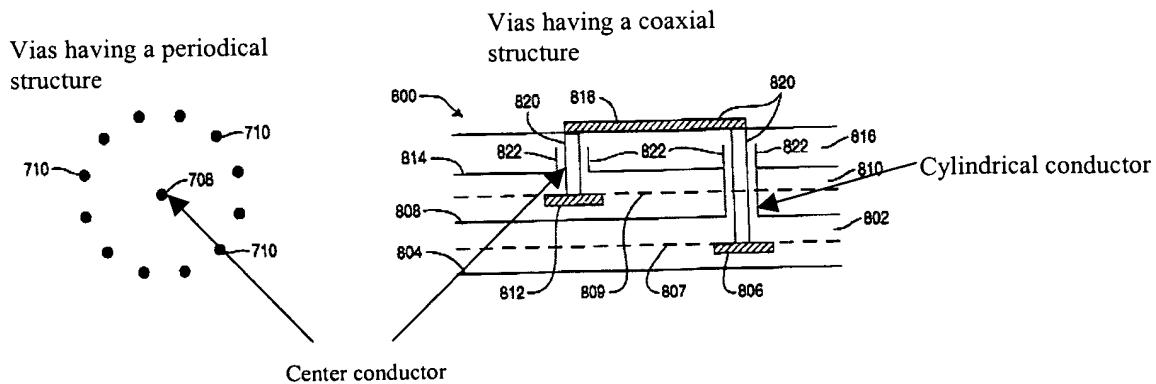
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Fathy et al

US Patent 6,320,547.

Fathy et al disclose a RF circuit parts are mounted on both sides of a multilayer dielectric substrate (502 506), and transmission lines (514) connecting said RF circuit parts (508 510 512) on both sides are constructed by a group of vias having a periodical structure or vias having a coaxial structure extended in the direction perpendicular to the face of said multilayer dielectric substrate. The via having the coaxial structure is formed by a center conductor 820 and a cylindrical conductor 822 surrounding said center conductor 820 and connected to a conductive layer (814 808) provided in said multilayer dielectric substrate. A high frequency circuit part 508 provided on one of the faces of said multilayer dielectric substrate is an antenna.

(Figures 5 7 and 8 and column 8 line 48 through column 11 line 61)



*Allowable Subject Matter*

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

With regards to claim 2, the prior art does not disclose or fairly teach the vias having the periodical structure constructed so that a plurality of vias are distributed around the center conductor at a interval equal to or smaller than  $\frac{1}{4}$  of the wavelength of the signal of the transmission line. With regard to claim 10, the prior art of record does not disclose or fairly teach the circuit wherein the RF circuit part includes a oscillation circuit, a power amplifier for amplifying the output of the oscillation circuit and a mixer.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Greenman et al US Patent 5,83,598 and Tserng et al US Patent 5,521,406.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly E Glenn whose telephone number is (703) 306-5942. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (703) 308-4909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

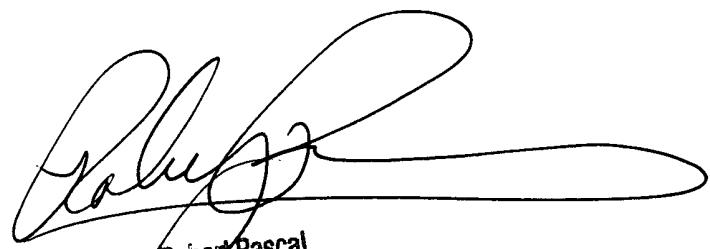
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Kimberly E Glenn  
Examiner  
Art Unit 2817

keg  
June 12, 2003



Robert Pascal  
Supervisory Patent Examiner  
Technology Center 2800